## IN THE UNITED STATES DISTRICT COURT FOR



## THE WESTERN DISTRICT OF OKLAHOMA

ALDO R. BONDS,	)	ROBERT D. DENNIS, CLERK U.S. DIST, COURT, WESTERN DIST. OF OKLA
Plaintiff,	)	BY JULY DEPUTY
vs.	)	No. CIV-09-1332-W
MICHAEL J. ASTRUE, Commissioner of Social Security Administration,  Defendant.	) ) ) )	
	ORDER	•

On March 28, 2011, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that the Court affirm the decision of the defendant, Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Applications for Disability Insurance Benefits and for Supplemental Security Income filed by plaintiff Aldo R. Bonds. Bonds was advised of his right to object, and the matter came before the Court on Bonds' Objection to the Magistrate Judge's Report and Recommendation.

Upon review of the arguments and authorities advanced by Bonds, the Court had serious concerns about whether the Commissioner's decision was supported by substantial evidence and whether he had applied the correct legal standards. Accordingly, the Court directed the Commissioner "to respond with argument and authority . . . to each proposition set forth in [Bonds'] . . . Objection . . . . " Doc. 29. The Commissioner has filed his response, and Bonds, with leave, has filed a reply.

<sup>&</sup>lt;sup>1</sup>The Commissioner's response in large part duplicates his response filed on November 18, 2010, <u>compare</u> Doc. 25 <u>with</u> Doc. 30, and because the Commissioner in the later-filed document has recited almost verbatim the arguments and arguments set forth in the earlier-filed paper, the

After consideration of the parties' papers and in light of, inter alia, the administrative law judge's ("ALJ") inconsistent findings with regard to the severity of Bonds mental impairments and the ALJ's improper treatment and discussion of Bonds' functional limitations as set forth by Nicole Sampson, Ph.D., in her written assessment, the Court<sup>2</sup>

- (1) DECLINES to adopt the Report and Recommendation filed on March 28, 2011;
- (2) REVERSES the Commissioner's decision denying Bonds' Applications for Disability Insurance Benefits and Supplemental Security Income;
- (3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further proceedings;
- (4) DIRECTS the ALJ upon remand to engage in the five-step sequential evaluation process set forth in 20 C.F.R. § 404.1520 in re-evaluating Bonds' Applications for Disability Insurance Benefits and Supplemental Security Income in accordance with extant case law and applicable Social Security Rulings; and
  - (5) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this 6th day of September, 2011.

EE R. WEST

UNITED STATES DISTRICT JUDGE

Commissioner's response did not significantly aid the Court in its resolution of this matter or in determining whether the errors committed by the administrative law judge as well as her inconsistent findings were indeed "harmless" and/or "superficial."

<sup>&</sup>lt;sup>2</sup>Because the parties are familiar with the facts and procedural history of this case, the Court has not restated them.